IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 28TH NOVEMBER 2007 / 7TH AGRAHAYANA 1929

Tr.P(C).No. 256 of 2007()

OP.591/2007 of FAMILY COURT, KOTTAYAM

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PETITIONERS:

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1. MRS. REMYA ANILKUMAR, AGED 22 YEARS,
   W/O. P.N.ANILKUMAR, ELAMTHURUTHIL HOUSE,
   FORT KOCHI-2, ERNAKULAM DISTRICT.

2. LANKASREE ANILKUMAR (MINOR),
   AGED 7 MONTHS, D/O. P.N.ANILKUMAR,
   ELAMTHURUTHIL HOUSE, FORT KOCHI-2, ERNAKULAM
   DISTRICT, REPRESENTED BY THE MOTHER AND NEXT
   FRIEND MRS. REMYA ANILKUMAR.

BY ADV. SRI.ALIAS M.CHERIAN

RESPONDENT:

MR. P.N.ANILKUMAR, AGED 32 YEARS,
S/O. P.NARAYANAN, (EX. M.L.A., VAIKKOM),
LEKSHMINARAYANA HOUSE, THEKKENADA P.O.,
VAIKKOM, KOTTAYAM DISTRICT.

THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

T.P.(C)NO. 256 OF 2007

Dated this the 28th day of November, 2007.

JUDGMENT

This transfer petition is preferred with a direction to transfer O.P.No.591/2007 pending before the Family Court, Ettumannoor to the Family Court, Ernakulam. Wife is the transfer petitioner. She is having a seven month old child. She had filed an application for maintenance and another application for divorce before the Family Court, Ernakulam and her husband has preferred a petition for restitution of conjugal rights before the Family Court, Ettumanoor. It is averred that she finds it very difficult to travel from Kottayam to Ernakulam and there is nobody to accompany her and her mother is aged and she also cannot follow her daughter and over and and above her financial position is very poor. It is also seen that her husband is residing in Vaikom. The distance between Vaikom and Ernakulam is hardly 24 miles, whereas the distance between Vaikom and Ettumanoor will be about 16 miles . A wife with a small child and nobody to accompany her having financial constrains is certainly in a more difficult position than the husband. Further, transfer of the case from Family Court, Ettumanoor to the

Family Court, Ernakulam is not going to affect her husband because he has only to travel 10 kms in excess.

Therefore, I allow the transfer petition and transfer O.P.No.591/2007 pending before the Family Court, Ettumanoor to the Family Court Ernakulam. The Family Court, Ettumanoor is directed to intimate the petitioner in O.P.No.5991/2007 regarding the transfer.

M.N. KRISHNAN, JUDGE.

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